

REMARKS

Claims 1-6 were allowed in the Notice of Allowability dated November 26, 2010. Through this amendment, claims 3, 4 and 6 have been amended. No new matter has been entered. The foregoing amendment is needed for proper disclosure or protection of the invention and requires no substantial amount of additional work on the part of the Office. Favorable consideration and entry of this amendment is respectfully requested.

Claim 3 has been amended to add the step from claim 4 of “introducing a free end of the second pin into a second tubular pin holder of the parallel guide system”. Applicants believe that the additional language is needed to define with sufficient clarity how the second pin interacts with the operation of the parallel guide system.

Claim 3 has also been amended to delete the word “cervical” from the implanting step. Deletion of the word “cervical” is intended to correct the inadvertent limitation to the scope of claim 3. Applicant respectfully submits that the method for spreading bones apart should not be limited to implanting a cervical intervertebral prosthesis between the first and second bone parts. The first and second bone parts are understood to be part of the spine and should not be limited to any particular region of the spine. Although the parallel guide system is especially suited for distraction of two cervical vertebral bodies, it does not preclude the parallel guide system from being used to distract two vertebral bodies elsewhere in the spine, for example, in the thoracic or lumbar regions of the spine. Applicant believes that the specification and the allowed claims support the step of implanting an intervertebral prosthesis between the first and second bone parts and respectfully requests correction to the scope of the coverage provided by claim 3. The error was made without deceptive intent. Furthermore, Applicant believes no additional search is required as the search terms “bone” and “surgery” were broadly applied.

Claim 4 has been amended to delete the step of “introducing a free end of the second pin into a second tubular pin holder of the parallel guide system” that was added to claim 3. Claim 4 has also been amended to correct the inadvertent omission of the word “end” after “free”. It is now clear that the free end of the second pin is secured.

Claim 6 has been amended to correct the typographical error of “he” for “the”.

The foregoing amendments and explanations have been submitted for proper disclosure or protection of the invention and do not require substantial additional work by the Office to enter. Entry of these amendments in all or in part is respectfully requested before issuance of the patent. In the event there are any questions concerning this Amendment or the application in general, the Examiner is cordially invited to telephone the undersigned so that issuance may be expedited.

In the event the U.S. Patent and Trademark Office determines that an extension and/or other relief is required, Applicants petition for any required relief including extension of time and authorize the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 50-2040** referencing docket number **368US1**.

Respectfully submitted,
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